



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

February 28, 2025

BY ECF

The Honorable Paul A. Engelmayer  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Knight First Amendment Institute at Columbia University v. U.S. Dep't of Education*, No. 24 Civ. 8393 (PAE)

Dear Judge Engelmayer:

The parties write respectfully to provide a status report in the above-named action brought pursuant to the Freedom of Information Act (“FOIA”), in accordance with the Court’s direction at the status conference held on January 28, 2025.

Plaintiff’s FOIA request seeks records reflecting “guidance DOE has provided to post-secondary institutions concerning their obligations under Title VI to ensure nondiscrimination based on shared ancestry or ethnic characteristics.” See ECF No. 1 (Complaint) ¶ 6. DOE made an initial production of responsive, non-exempt records to plaintiff on December 6, 2024, consisting of links to five publicly available policy guidance documents and a PowerPoint presentation that the DOE Office of Civil Rights (“OCR”) has provided to universities. Thereafter, DOE conducted numerous supplemental searches of both policy and investigative records, as described in the parties’ last status report to the Court (ECF No. 22) and at the January 28 status conference.

In accordance with the schedule it proposed at the January 28 conference, DOE completed its review and processing of the records identified in the supplemental searches and made a further production of responsive, non-exempt records to plaintiff on February 14, 2025. Upon further review, DOE subsequently determined to release one additional record and portions of a second record. DOE made a revised, final production on February 21, 2025, which released this additional material and corrected redaction markings on two pages. As discussed at the January 28 conference, DOE also provided plaintiff with a draft index outlining the justifications for the remaining withholdings in the revised production, to allow plaintiff to assess those withholdings.

Plaintiff has reviewed DOE’s revised production and draft index and does not believe any further judicial action is necessary. The parties have met and conferred and agree that the only

remaining issue in the case is plaintiff's anticipated claim for attorneys' fees. The parties respectfully propose to meet and confer concerning that claim to determine if it can be resolved consensually, and to file a status report within 60 days, or by April 29, 2025.

We thank the Court for its consideration of this letter.

Respectfully submitted,

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